

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA

Matthew Major,	)	Civil Action No.: 5:14-4377-MGL
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
	)	
Ofc. Lamont Hicks; Sgt. Benjamin,	)	
	)	
Defendants.	)	
_____	)	

On November 12, 2014, Plaintiff Matthew Major, (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this action alleging constitutional violations construed as pursuant to 42 U.S.C. § 1983. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) D.S.C., this matter was referred to United States Magistrate Judge Kaymani D. West for review pursuant to the procedural provisions of 28 U.S.C. § 1915 and § 1915A . On December 22, 2014, the Magistrate Judge prepared a Report and Recommendation, (“the Report”), recommending that this action be summarily dismissed *without prejudice*. (ECF No. 11). Objections to the Report were due by January 8, 2015. Plaintiff did not file any Objections to the Report. The matter is now ripe for review by this Court.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28

U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Applying the above standards to the instant matter, the Court has carefully reviewed the record, applicable law, and the Magistrate Judge’s Report, (ECF No. 11), and finding no clear error in the Report, the Court adopts and incorporates it herein by reference. Accordingly, Plaintiff’s Complaint is summarily **DISMISSED** *without prejudice*.

**IT IS SO ORDERED.**

s/Mary G. Lewis  
United States District Judge

April 16, 2015  
Columbia, South Carolina